

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

05 NOV 23 PM 3:13

E THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

JEFFERY YATES,)
v.)
Plaintiff,)
v.)
CITY OF MEMPHIS, et al.,)
Defendants.)
No. 04-2836 Ma/An

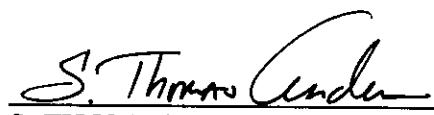
ORDER DENYING MOTION FOR EXPENSES AND SANCTIONS

Before the Court is Plaintiff's Motion for Expenses and Sanctions against Defendants Felipe Boyce, Jonas Holquin, and Dariet Wallace ("Defendants") filed on September 6, 2005. For the reasons set forth below, the Motion is **DENIED**.

The Plaintiff has filed the present Motion claiming that the above Defendants failed to have a copy of their Response to Plaintiff's earlier Motion for Sanctions served on him. The Defendants' Response to that particular motion, however, contains a Certificate of Service stating that a copy of the Response was mailed to the Plaintiff at his last known address. The fact that the Plaintiff may not have received the Response does not mean that counsel for the Defendants did not serve a copy as the Certificate indicates. The Court is confident that counsel is well aware of the obligation to serve a copy of any pleading he files with the Court on the

opposing party. As such, the Motion for Expenses and Sanctions is **DENIED**.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: November 23, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 66 in case 2:04-CV-02836 was distributed by fax, mail, or direct printing on November 29, 2005 to the parties listed.

Jeffery Yates
220939
1440 Union Springs Road
P.O. Box 679
Whiteville, TN 38075

Timothy P. Taylor
GODWIN MORRIS LAURENZI & BLOOMFIELD, P.C.
50 N. Front St.
Ste. 800
Memphis, TN 38103

Henry L. Klein
APPERSON CRUMP & MAXWELL, PLC
6000 Poplar Ave.
Ste. 400
Memphis, TN 38119--397

Heather Anne Kirksey
CITY ATTORNEYS OFFICE
125 N. Main Street
Rm. 314
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT